



DEPARTMENT OF VETERANS AFFAIRS
BOISE VAMC
500 West Fort Street
Boise, Idaho 83702-4598

In Reply Refer To: 531/136

December 20, 2018

FOIA Request: 19-02716-F

Jasper Craven
MuckRock News
E-mail – 65310-40874150@requests.muckrock.com

Dear Mr. Craven:

This letter is the initial agency decision to your December 11, 2018 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Boise VA Medical Center for a copy of all communication between the following VA Officials between January 20, 2017 and present day, December 18, 2018.

Darin Selnick
David Shulkin
Lew Boone
Jeffrey F. London
Robert Wilkie
Cassin Spero
John Ulliyot
Gregory Giddens

Former Congressmember Jeff miller, now a lobbyist at McDermott Will and Emery (Miller's email is jbmiller@mwe.com).

As indicated in their December 18, 2018 letter, VACO FOIA Service, Carolyn Y. Byrd referred your request to Boise VAMC, FOIA Office for further processing and direct response to you. Your FOIA request was received in my office on December 18, 2018.

The Boise VAMC Compliance Officer, Gregory Giddens conducted a search for documents responsive to your request. The search was conducted by utilizing the search criteria of searching personal emails through Outlook for the requested records listed above. At the conclusion of the search, five documents totaling forty seven pages, were determined to be responsive to your request.

My review of the documents revealed that they contained information that falls within the disclosure protections of FOIA Exemption five, 5 U.S.C. 552(b)(5). FOIA exemption 5 permits VA to withhold a document to protect against premature disclosure of proposed policies before they are actually adopted so therefore, I am withholding four documents totaling forty four pages that are in draft form.

My review also revealed that the document contained information that falls within the disclosure protections of FOIA Exemption 6, 5 U.S.C. § 552(b)(6). FOIA Exemption 6

permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government.

Specifically, the information I am withholding, as indicated on the enclosed documents, under FOIA Exemption 6 consists of names and email addresses as the individuals associated with this information have a personal privacy interest in it.

The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the materials provided, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest in this case. The individuals associated with this information have a personal privacy interest in information that outweighs any public interest served by disclosure of their identities under FOIA. Consequently, I am denying your request for this information under FOIA Exemption 6, 5 U.S.C. § 552 (b)(6).

If you disagree with my determination to withhold the information under FOIA Exemption 5 and 6, please be advised you may appeal to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Email: ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request, excluding the release determination, from VHA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

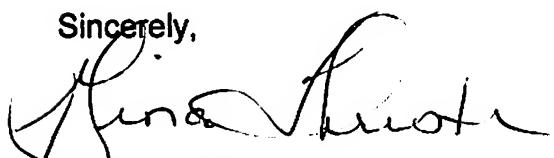
VHA FOIA Public Liaison:
Email Address: vhafoia2@va.gov
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)
Email: ogis@nara.gov
Fax: (202) 741-5769

Mailing address: Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Thank you for your interest in VA. If you have any further questions, please feel free to contact me at 208-422-1031.

Sincerely,



Gina Thruston
Privacy / FOIA Officer